

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY LEE SCROGGINS,

Petitioner,

v.

STEVE SMITH,

Respondent.

Case No. 1:24-cv-00519 JLT CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS CORPUS,
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE, AND DECLINING TO
ISSUE CERTIFICATE OF APPEALABILITY

(Doc. 21)

Randy Lee Scroggins is a state prisoner proceeding pro se and *in forma pauperis* with his petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge issued Findings and Recommendations, recommending that the petition for writ of habeas corpus be denied on the merits, and that the Court decline to issue a certificate of appealability. (Doc. 21.) The Court served the Findings and Recommendations on all parties and notified them that any objections were due within 14 days. In addition, the Court advised the parties that “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). No objections were filed and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the

case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.

Having found that Petitioner is not entitled to relief, the Court now turns to whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may only issue a certificate of appealability “if jurists of reason could disagree with the district court’s resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the merits of his case, he must demonstrate “something more than the absence of frivolity or the existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

In the present case, the Court finds that reasonable jurists would not find the Court’s determination that the petition should be denied debatable or wrong, or that Petitioner should be allowed to proceed further. Petitioner has not made the required substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability. Thus, Court **ORDERS**:

1. The Findings and Recommendations issued on October 14, 2025 (Doc. 21) are **ADOPTED** in full.
2. The petition for writ of habeas corpus (Doc. 1) is **DENIED**.
3. The Clerk of the Court is directed to close the case.
4. The Court declines to issue a certificate of appealability

IT IS SO ORDERED.

Dated: **November 24, 2025**


UNITED STATES DISTRICT JUDGE